



## Legislation Text

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**File #:** RES 22-1349, **Version:** 1

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Memorializing the City Council's decision to deny an appeal from a decision of the HPC to approve permit to construct an ADU in the rear yard of 525 Holly Avenue, located in the Heritage Hill preservation district.

WHEREAS, on or about February 8, 2022, Eric M. Johnson, on behalf of the owners of that property commonly known as 525 Holly Avenue, Zindzi McCormick and Tim Drinian (the "Applicants"), submitted a pre-application to the staff of the Heritage Preservation Commission (the "HPC") pursuant to Leg. Code § 73.04(4) for a building permit to construct a one and one-half story, two-car detached accessory dwelling unit (the "ADU") in the backyard of the said property which is situated in the Heritage Hill preservation district; and

WHEREAS, on March 7, 2022, the HPC, having provided notice to affected property owners, duly conducted a public hearing on the said application where all interested parties were afforded an opportunity to be heard; and

WHEREAS, HPC staff prepared a report on the said application which recommended approval of the application noting::

"A 1½ stories, 2-car garage with 2nd story living space accessory dwelling unit (ADU) is proposed for the northwest corner (rear) of the property. It is away from the city park to the east and to be less visible from the street to the south. The footprint is approximately 24' x 29'. There is a small workout space on the ground level facing the house. The workout space has a roof deck above it that is accessible from the 2nd floor living space.

The exterior is designed to complement the existing Clarence Johnston house referencing similar materials, details, and colors. The ADU form is a simple gable with the ridge running perpendicular to the house to minimize its scale and shadow on the alley. The ADU roof pitch and gable orientation will match the houses dominate east facing gable. The roof will be asphalt shingles that match the house. The wall cladding is predominantly cedar shingles that will match the house's east gable end wall shingles. The ADU's rake trim will also match the house's east facing gable end rake trim. The windows are wood with exterior metal cladding for durability

Rear of the lot is not visible from the public ROW. The new proposed structure will be disconnected from the main house. The height and scale of the proposed structure is compatible with accessory structures found along the alley. Materials will be visually compatible as well. The structure is designed to be a 'product of its own time.'

As designed the bulk of the ADU will be facing inward toward the parcel. The view from the alley will be of a typical garage. The addition of density in Saint Paul via construction of ADU structures is encouraged by the Saint Paul Comprehensive Plan."

AND WHEREAS, the HPC, at the close of the said hearing, based upon all the testimony and records received, including the report of HPC staff recommending approval of the said application for the reasons noted therein, duly moved to approve the application on a 6-0 vote subject to the following conditions which were then duly provided to the Applicants in a Resolution of the HPC dated March 7, 2022, as follows:

"The Heritage Preservation Commission approves the construction of an accessory dwelling unit at the rear of the structure at 525 Holly Avenue, subject to the following conditions:

1. Final details and materials to be reviewed by staff prior to construction.
2. Siding material to be smooth and free of knots, rough, unfinished appearance, and other imperfections.
3. Any exposed concrete shall have a smooth finish, void of aggregate. Finish may include a light, one directional, broom finish.
4. Window and door glass shall be clear void of tint, color, or reflection.
5. Any metal, including flashing, valleys, or drip edge, shall have a dark finish not glossy/shiny or a material that will achieve a dark patina within 24 months.
6. Roof material to be asphalt shingles installed in a traditional pattern.
7. Any venting shall be dark and have a low profile. Installation of venting is preferred on the non-visible portion of the roof.
8. Approval is written in conjunction with and referencing submitted application and approved plans. Conditions of this approval MAY supersede any contradictory notes or schedules found on project description or drawings. This approval is VOID if the approved description or plans are altered from the submitted application.
9. Work to be accomplished in accordance with submitted application and plans. Any deviation from is to be submitted to staff prior to construction.
10. All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with submitted plans at the responsibility of the applicant. Inaccuracies or differences should be reported to LPC staff prior to commencement.
11. Work to be accomplished in accordance with all applicable zoning regulations and building codes, or Board of Zoning Appeals decision. This approval does not constitute or recommend a hardship for purposes of zoning review.
12. Further permits and approvals may be required. This approval signifies review and issuance based on the Heritage Preservation regulations and guidelines. No other city, state, or federal review and approval should be assumed or implied by this approval."

AND, WHEREAS, on or about March 21 , 2022, Sharon and George Pfeifer ("Appellants"), residing at 525 Holly, duly filed an appeal from the HPC's March 7, 2022, decision pursuant to Leg. Code § 73.06(h) and requested a public hearing before the City Council which was assigned File No. AHPC 22-1 and set for hearing before the City Council on April 20, 2022; and

WHEREAS, on April 20, 2022, a public hearing was duly conducted before the City Council where all interested parties were given an opportunity to be heard and, at the close of the public hearing, the City Council, having heard the statements made and having considered the application, the testimony, the report of staff and the record, minutes and resolution of the HPC; DOES HEREBY

RESOLVE, that Appellants' appeal from the HPC's March 7, 2022, decision to approve the Applicants' building permit application is hereby denied. The Council finds that Appellants have failed to demonstrate that the HPC erred in its decision as variously alleged in the Appellants appeal document dated March 18, 2022. The Council finds persuasive the analysis submitted to the record by HPC staff member Gause of various errors by the HPC as alleged by Appellants; AND, BE IT

FURTHER RESOLVED, Based upon the HPC staff analysis and the original findings of the HPC dated March 7, 2022, Appellants' appeal in this matter is hereby denied and the Council adopts as its own in support of this decision the HPC's findings dated March 7, 2022, and the analysis of the matter provided by HPC staff; AND, BE IT

FINALLY RESOLVED, that the Appellants, the Applicants, the HPC, the Zoning Administrator and the Building Official are provided with a written copy of this decision by staff of the HPC.

